

REMARKS

The claims have been amended above to more particularly point out and distinctly claim Applicants' invention.

Claims 5-33, 35-40, 49, and 62-67 have been rejected under 35 U.S.C. §112, second paragraph. The Examiner's attention is directed to the amendments to the claims above, which are believed to overcome this rejection.

Claims 41-45 have been rejected under 35 U.S.C. §102(b) as being anticipated by Pless et al., U.S. Patent No. 5,456,706 ("Pless"). The Examiner maintains that Pless is capable of meeting the functional use recitations presented in the claims.

Claims 41-45 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hoffmann et al., U.S. Patent No. (5,534,022) ("Hoffman"). The Examiner maintains that Hoffmann is capable of meeting the functional use recitations presented in the claims.

Claims 11, 28, 35-45, 49, and 62 have been rejected under 35 U.S.C. §102(b) as being clearly anticipated by Kieval U.S. Patent No. 5,814,079 ("Kieval"), and Claims 11, 35-45, 49, and 62 have been rejected under 35 U.S.C. §102(b) as being anticipated by Noren et al., U.S. Patent No. 5,649,966 ("Noren"). Claims 11, 35-45, 49, and 62 have been rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under U.S.C. §103(a) as obvious over Scherlag, U.S. Patent No. 5,083,564 ("Scherlag"), and Claims 5-10, 12-32, and 63-67 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Noren (or Scherlag or Kieval).

Applicants respectfully traverse the above rejections.

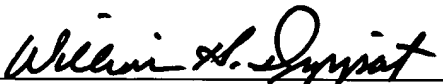
The Examiner's attention is directed to the argumentation set forth on pages 18 to 27 of the Amendment Under 37 C.F.R. §1.116, which argumentation is incorporated herein by reference in its entirety and not further repeated herein. In addition, it should be noted that some of the amendments to the claims above are specifically responsive to the Examiner's comments in the Advisory Action dated September 17, 2004.

In view of all of the above, and especially taking into account the fact that the present invention is directed to providing for the first time an apparatus that is uniquely able to provide a new type of therapeutic signal for modifying the activity of a tissue, Applicants respectfully request that the Examiner review the amendments above and the comments above and then reconsider the bases of the rejections under §§ 102(b), 102(e), and 103(a). It is earnestly believed that these rejections have been overcome and should be withdrawn.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,

October 20, 2004


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